

### REASON FOR ALLOWANCE

The following is an examiner's statement of reasons for allowance:

#### Claim 90

The prior art of record neither anticipates nor fairly and reasonably teach a process for assisting presentation of sales pitches appropriate for a particular telephone caller of a customer service call center, the process comprising, *inter alia*: storing in a first electronic database, prior to the receipt of the incoming service call from the caller, a sales pitch preference of the caller, as an additional attribute, comprising a preference of the caller not to receive any sales pitches.

The most closely applicable prior art of record is U.S. Patent No. 6,553,113 to Dhir et al. Dhir discloses a system and method of providing a call routing system providing a virtual call center configured with centralized IVR's so that customer call are more efficiently routed to qualified advisors without undue rerouting and queues with a call site (col. 2, lines 57-61). The system employs one or more banks of centralized IVR's to permit customer input information to be gathered before call routing to call sites within the virtual call center network. The system employs decisioning logic based on customer behavior or profile data in order to provide routing strategies (where to send the call) and handling strategies (how should the agent handle the call once received). This strategic decisioning logic also generates routing strategies for so-called "proactive servicing," or routing based in part on predictions about other services or products of interest to a customer based on behavior or profile data. (Col. 3, lines 19-32) However, Dhir is silent to a process for assisting presentation of sales pitches appropriate for a

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particular telephone caller of a customer service call center, the process comprising, *inter alia*: storing in a first electronic database, prior to the receipt of the incoming service call from the caller, a sales pitch preference of the caller, as an additional attribute, comprising a preference of the caller not to receive any sales pitches.

Kanvesky et al. (U.S. Patent No. 6,665,644) neither anticipates or is obvious in fairly and reasonable teaching a process for assisting presentation of sales pitches appropriate for a particular telephone caller of a customer service call center, the process comprising, *inter alia*: storing in a first electronic database, prior to the receipt of the incoming service call from the caller, a sales pitch preference of the caller, as an additional attribute, comprising a preference of the caller not to receive any sales pitches. Kanvesky teaches a method for collecting data associated with the voice of a voice system user includes conducting a plurality of conversations with a plurality of voice system users. For each conversation, a speech waveform is captured and digitized, and at least one acoustic feature is extracted. The features are correlated with at least one attribute such as gender, age, accent, native language, dialect, socioeconomic classification, educational level and emotional state. Attribute data and at least one identifying indicia are stored for each user in a data warehouse, in a form to facilitate subsequent data mining thereon. The resulting collection of stored data is then mined to provide information for modifying underlying business logic of the voice system. (Abstract)

Claim 107

Claim 107 recites a system for leveraging an incoming service call for assistance as a conduit to assist a human operator to solicit the caller to purchase a merchandise or service, the system comprising, *inter alia*: a first electronic database configured to store as an attribute related to the caller and prior to the receipt of the incoming service call from the caller, a sales pitch preference of the caller comprising a preference of the caller not to receive any sales pitches. This system is allowable over the prior art of record for reasons consistent with those identified above with respect to claim 90.

Claim 120

Claim 120 recites a computer program stored on a computer readable medium for leveraging an incoming service call for assistance as a conduit to assist a human operator to solicit the caller to purchase a merchandise or service, the computer program comprising, *inter alia*: a first database code segment configured to store as an attribute related to the caller and prior to the receipt of the incoming service call from the caller, a sales pitch preference of the caller comprising a preference of the caller not to receive any sales pitches. This computer program is allowable over the prior art of record for reasons consistent with those identified above with respect to claim 90.

Claim 133

The prior art of record neither anticipates nor fairly and reasonably teach a process for assisting presentation of a first sales pitch appropriate for a particular telephone caller of a customer service call center, the process comprising, *inter alia*:

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storing in a first electronic database, prior to the receipt of the incoming service call from the caller, information indicative of past misbehavior of the caller.

The most closely applicable prior art of record is U.S. Patent No. 6,553,113 to Dhir et al. Dhir discloses a system and method of providing a call routing system providing a virtual call center configured with centralized IVR's so that customer call are more efficiently routed to qualified advisors without undue rerouting and queues with a call site (col. 2, lines 57-61). The system employs one or more banks of centralized IVR's to permit customer input information to be gathered before call routing to call sites within the virtual call center network. The system employs decisioning logic based on customer behavior or profile data in order to provide routing strategies (where to send the call) and handling strategies (how should the agent handle the call once received). This strategic decisioning logic also generates routing strategies for so-called "proactive servicing," or routing based in part on predictions about other services or products of interest to a customer based on behavior or profile data. (Col. 3, lines 19-32) However, Dhir is silent to a process for assisting presentation of a first sales pitch appropriate for a particular telephone caller of a customer service call center, the process comprising, *inter alia*: storing in a first electronic database, prior to the receipt of the incoming service call from the caller, information indicative of past misbehavior of the caller.

Kanvesky et al. (U.S. Patent No. 6,665,644) neither anticipates or is obvious in fairly and reasonable teaching a process for assisting presentation of sales pitches appropriate for a process for assisting presentation of a first sales pitch appropriate for a particular telephone caller of a customer service call center, the process comprising,

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*inter alia*: storing in a first electronic database, prior to the receipt of the incoming service call from the caller, information indicative of past misbehavior of the caller.

Kanvesky teaches a method for collecting data associated with the voice of a voice system user includes conducting a plurality of conversations with a plurality of voice system users. For each conversation, a speech waveform is captured and digitized, and at least one acoustic feature is extracted. The features are correlated with at least one attribute such as gender, age, accent, native language, dialect, socioeconomic classification, educational level and emotional state. Attribute data and at least one identifying indicia are stored for each user in a data warehouse, in a form to facilitate subsequent data mining thereon. The resulting collection of stored data is then mined to provide information for modifying underlying business logic of the voice system.

(Abstract)

Szlam (U.S. Patent No. 5,511,112) neither anticipates or is obvious in fairly and reasonable teaching a process for assisting presentation of sales pitches appropriate for a process for assisting presentation of a first sales pitch appropriate for a particular telephone caller of a customer service call center, the process comprising, *inter alia*: storing in a first electronic database, prior to the receipt of the incoming service call from the caller, information indicative of past misbehavior of the caller. Szlam teaches a method and an apparatus whereby an agent may be relieved of the duties of waiting on hold and providing, wrap-up statements (col. 2, lines 35-37). Furthermore, Szlam teaches the agent can discuss matters or reasons for which the customer was called,

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for example, discussing a late payment account, collecting on a delinquent account, verifying an order, and updating customer account information, etc (col. 8, lines 21-26).

#### Claim 134

Claim 134 recites a system for leveraging an incoming service call for assistance as a conduit to assist a human operator to solicit the caller to purchase a merchandise or service, the system comprising, *inter alia*: a first electronic database configured to store, prior to receipt of the incoming service call from the caller, information indicative of past misbehavior of the caller. This system is allowable over the prior art of record for reasons consistent with those identified above with respect to claim 133.

#### Claim 135

Claim 134 recites a computer program stored on a computer readable medium for leveraging an incoming service call for assistance as a conduit to assist a human operator to solicit the caller to purchase a merchandise or service, the computer program comprising, *inter alia*: a first database code segment configured to store, prior to receipt of the incoming service call from the caller, information indicative of past misbehavior of the caller. This computer program is allowable over the prior art of record for reasons consistent with those identified above with respect to claim 133.

#### Claim 136

The prior art of record neither anticipates nor fairly and reasonably teach a process for assisting presentation of a first sales pitch appropriate for a particular telephone caller of a customer service call center, the process comprising, *inter alia*: storing a sales pitch preference in a first electronic database to be used as an additional

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attribute of the caller, the sales pitch preference comprising a preference of the caller not to receive a sales pitch related to a first service or product and not to receive any sales pitches related to a provider of the first service or product.

The most closely applicable prior art of record is U.S. Patent No. 6,553,113 to Dhir et al. Dhir discloses a system and method of providing a call routing system providing a virtual call center configured with centralized IVR's so that customer call are more efficiently routed to qualified advisors without undue rerouting and queues with a call site (col. 2, lines 57-61). The system employs one or more banks of centralized IVR's to permit customer input information to be gathered before call routing to call sites within the virtual call center network. The system employs decisioning logic based on customer behavior or profile data in order to provide routing strategies (where to send the call) and handling strategies (how should the agent handle the call once received). This strategic decisioning logic also generates routing strategies for so-called "proactive servicing," or routing based in part on predictions about other services or products of interest to a customer based on behavior or profile data. (Col. 3, lines 19-32) However, Dhir is silent to a process for assisting presentation of a first sales pitch appropriate for a particular telephone caller of a customer service call center, the process comprising, *inter alia*: storing a sales pitch preference in a first electronic database to be used as an additional attribute of the caller, the sales pitch preference comprising a preference of the caller not to receive a sales pitch related to a first service or product and not to receive any sales pitches related to a provider of the first service or product.

Kanvesky et al. (U.S. Patent No. 6,665,644) neither anticipates or is obvious in fairly and reasonable teaching a process for assisting presentation of a first sales pitch appropriate for a particular telephone caller of a customer service call center, the process comprising, *inter alia*: storing a sales pitch preference in a first electronic database to be used as an additional attribute of the caller, the sales pitch preference comprising a preference of the caller not to receive a sales pitch related to a first service or product and not to receive any sales pitches related to a provider of the first service or product. Kanvesky teaches a method for collecting data associated with the voice of a voice system user includes conducting a plurality of conversations with a plurality of voice system users. For each conversation, a speech waveform is captured and digitized, and at least one acoustic feature is extracted. The features are correlated with at least one attribute such as gender, age, accent, native language, dialect, socioeconomic classification, educational level and emotional state. Attribute data and at least one identifying indicia are stored for each user in a data warehouse, in a form to facilitate subsequent data mining thereon. The resulting collection of stored data is then mined to provide information for modifying underlying business logic of the voice system. (Abstract)

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to MARISSA THEIN whose telephone number is (571)272-6764. The examiner can normally be reached on M-F 8:00-5:00.



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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ryan Zeender can be reached on 571-272-6790. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/M. T./  
Examiner, Art Unit 3627  
October 22, 2009

/F. Ryan Zeender/  
Supervisory Patent Examiner, Art Unit 3627